

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

IN RE:

KIMBERLY COLE  
SSN: XXX-XX-6839

Case No. 16-30174-DHW  
Chapter 13

Debtor(s)

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**PURSUANT TO LBR 9007-1, THIS MOTION WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN 21 DAYS OF THE DATE OF SERVICE. RESPONSES MUST BE FILED ELECTRONICALLY WITH THE CLERK OR BY U.S. MAIL ADDRESSED TO THE CLERK OF THE BANKRUPTCY COURT, ONE CHURCH ST. GROUND FLOOR, MONTGOMERY, ALABAMA 36104.**

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**TRUSTEE'S MOTION TO MODIFY DEBTOR'S CONFIRMED CHAPTER 13 PLAN**

COMES NOW, the Trustee for this district, and moves the Court to modify the above entitled debtor (s) plan and as grounds for said motion, state as follows.

1. The debtor's plan was filed on January 22, 2016 and confirmed previously by the court on April 11, 2016. The debtor's confirmed plan provides that the debtor's payments to the Trustee are set at \$175.00 SEMI-MTHLY.
2. 11 USC §1322 provides that the debtor's plan may not be for a period that is longer than 5 years. At the current rate of payment, the debtor's plan will last longer than 5 years and is therefore not feasible.
3. In order for the debtor's plan to remain feasible, the payments to the Trustee must be increased to \$2,173.00 SEMI-MTHLY. Increasing the debtor's payment will bring the plan into compliance with §1322 so that it will pay out within 5 years.

WHEREFORE, the Trustee moves this Honorable Court to increase the debtor (s) payment to the Trustee from \$175.00 Semi-Mthly to \$2,173.00 Semi-Mthly to maintain feasibility of the debtor's plan so that it will pay out within the required period of no longer than 5 years. No other provisions of the debtor's plan will be affected by this modification.

Respectfully submitted this: July 03, 2017

Sabrina L. McKinney  
Chapter 13 Standing Trustee

/s/ Sabrina L. McKinney  
Sabrina L. McKinney  
Chapter 13 Standing Trustee

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing Motion to Modify on the debtor (s) and the debtor(s) attorney, by either electronic mail or by placing same in the United States Mail, postage prepaid, and properly addressed.

Done, this the Monday, July 3, 2017.

/s/ Sabrina L. McKinney

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Sabrina L. McKinney  
Chapter 13 Standing Trustee

